



# City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

Susan Sample, Mayor  
Wayne J. Franklin, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember  
Mardi Turner, Councilmember

## **STAFF**

M. Christopher Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

## **City Council Meeting Agenda**

**Notice is hereby given of a regular meeting of the City Council of West University Place to be held on Monday, May 21, 2018 beginning at 6:30 p.m. in the Municipal Building Council Chambers located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items**

Note: All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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### **Call to Order**

### **Pledge of Allegiance**

### **Matters related to the notice of this meeting**

#### **1. Public Comments**

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

#### **2. ZPC's Preliminary Report on ATT Rezone Application and Consideration of Ordinance to Call for a Joint Public Hearing**

Matters related to the consideration of an ordinance calling for a public hearing as proposed by the Zoning and Planning Commission. *Recommended Action: Discuss and take any desired action.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Richard Wilson, Chair of the Zoning and Planning Commission** [see Agenda Memo 2]

#### **3. Charter Review Committee (Possible Executive Session)**

Matters related to the appointment of members to the Charter Review Committee. *Recommended Action: Discuss and take any desired action.* **Mr. M. Chris Peifer, City Manager** [see Agenda Memo 3]

**Council reserves the right to convene in a closed session** pursuant to Chapter 551 of the Texas Government Code for reasons related to Section 551.074 (personnel matters).

#### **4. Ordinance Amending the 2017 Budget**

Matters relating to an ordinance amending the 2017 Budget. *Recommended Action: Approve ordinance amending the 2017 Budget on the first and final reading.* **Ms. Marie Kalka, Finance Director** [see Agenda Memo 4]

## 5. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

### A. City Council Minutes

Approve City Council Action Minutes of April 23, 2018 and Special Meeting Minutes of May 17, 2018. *Recommended Action: Approve Minutes.* **Ms. Thelma Gilliam, City Secretary** [see Action Minutes]

### B. Construction Code Updates

Matters related to an ordinance updating the International Code Council (ICC) construction codes to the 2018 Edition including but not limited to the building, plumbing, fuel gas, mechanical, etc., 2017 National Electric Code and local amendments. *Recommended Action: Approve ordinance on second and final reading.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Building Official** [see Agenda Memo 5B]

### C. Lowest Floor Elevation

Matters related to an ordinance regarding lowest floor elevation. *Recommended Action: Approve ordinance on second and final reading.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Building Official** [see Agenda Memo 5C]

### D. Limitation of Fill

Matters related to an ordinance regarding lowest floor elevation. *Recommended Action: Approve ordinance on second and final reading.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Building Official** [see Agenda Memo 5D]

### E. Fence Regulations

Matters related to an ordinance requiring a rot board and fence height measurement. *Recommended Action: Approve ordinance on second and final reading.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Chief Building Official** [see Agenda Memo 5E]

## 6. Adjourn

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Gilliam at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Council Chambers is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided.

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on May 21, 2018 was posted on the Municipal Building bulletin board on May 18, 2018 at approximately 2:00 o'clock p.m.

(SEAL)

  
Thelma A. Gilliam, TRMC, City Secretary

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	2
<b>DATE SUBMITTED:</b>	May 16, 2018	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	D. Scarcella, City Planner	<b>PRESENTER:</b>	D. Beach, ACM / PW Dir. R. Wilson, ZPC Chair
<b>SUBJECT:</b>	<b>Preliminary Report and Ordinance Calling for a Joint Public Hearing to Consider the ATT Rezoning Application</b>		
<b>ATTACHMENTS:</b>	<b>Ordinance Calling for a Joint Public Hearing</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

AT&T (Southwestern Bell) submitted an application to rezone four of its six abutting lots that have been developed as parking for the main ATT structure fronting on Bellaire Boulevard. The lots are located along Ruskin Street at the corner of Academy and Ruskin. The applicant is asking to rezone the lots from Single Family (Detached) 3 (SF3) to Planned Development District-Single Family 2 (PDD-SF2).

The site was originally developed as single family residential. There were 10 abutting lots that fronted on Ruskin Street. In 1970, four of the lots (One through Four) were granted a special exception for use as parking for Southwestern Bell (SWBT) vehicles and the vehicles in use by SWBT employees. There were restrictions associated with the special exception as to plantings, fencing, lighting, etc. Additional lots (Five through Ten) were included in a second special exception in 1975. The underlying zoning designation for lots Five through Ten has remained residential, but subsequent zoning ordinance amendments and zoning map adoptions have at different times changed to townhome ("Ruskin Townhome District") and eventually to the current PDD-SF2 designation. Lots One through Four have remained in the SF3 District.

The PDD-SF2 District has the same restrictions and requirements as the SF3 District. Both only allow residential use, have the same setbacks and height and area restrictions, curb cut and driveway restrictions, etc. The one thing that separates the two districts is the language that authorizes the ZBA to issue a special exception to allow a parking lot for adjacent business activities. Amending the zoning designation for Lots One through Four, would allow the block of ten lots to be within the same zoning district with the same regulations.

The proposal also includes language that would give the ZBA authority to specify the type and nature of allowed incidental activities when granting a special exception for parking. The incidental uses would have to be related to the use and the lots must be held under common ownership.

**RECOMMENDATION**

The Zoning and Planning Commission and staff recommends that City Council call for a joint public hearing between council and the ZPC to hear more information and public comments regarding the application.

**City of West University Place  
Harris County, Texas**

Ordinance No. \_\_\_\_\_

**AN ORDINANCE CALLING A JOINT PUBLIC HEARING ON A PROPOSAL TO AMEND THE ZONING ORDINANCE AND CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS SO AS TO CHANGE THE ZONING DISTRICT FOR A CERTAIN BUILDING SITE LOCATED AT THE CORNER OF THE INTERSECTION OF ACADEMY AND RUSKIN STREET (LOTS 1-4, BLOCK 25, COLLEGEVIEW SECTION ONE) FROM "SF3" (THIRD SINGLE FAMILY (DETACHED) DISTRICT) TO "PDD-SF2" (PLANNED DEVELOPMENT DISTRICT-SECOND SINGLE FAMILY) DISTRICT; CLARIFY AND ADD LANGUAGE ALLOWING FOR INCIDENTAL USES WITH A SPECIAL EXCEPTION WITHIN THE SF2 DISTRICT; PRESCRIBING PROCEDURES AND NOTICES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.**

WHEREAS, the Zoning and Planning Commission ("Z&PC") of the City of West University Place, Texas ("City") has submitted a preliminary report on a proposal to amend the zoning ordinance of the City, as last reformatted and re-adopted by Ordinance No. 1672, adopted March 12, 2001, and as amended thereafter ("Zoning Ordinance"); and

WHEREAS, the preliminary report also proposes an amendment to the Code of Ordinances of the City including a zoning district change for the building site located at the corner of the intersection of Academy and Ruskin Street, more fully described as Lots One through Four of Block Twenty-five out of the Collegeview Section One Subdivision of Harris County, Texas, and clarifying language that will allow for incidental uses to be authorized with a special exception; and

WHEREAS, the Z&PC's preliminary report is attached to this ordinance as Exhibit A and made a part of this ordinance by reference; and

WHEREAS, the City Council desires to call a joint public hearing on such proposal;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE:**

**Section 1.** The City Council hereby calls a joint public hearing before the City Council and Z&PC on the proposal described in Exhibit A. Unless rescheduled, the hearing shall be held in the Council Chamber of the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 during the City Council meeting set to

begin at 6:30 p.m. on June 11, 2018. The hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on June 25, 2018 at the same place, unless rescheduled. The City Manager may reschedule either date and time, or both, to accommodate other pending matters, but the rescheduled date(s) and time(s) may not be later than 30 days past the later of the two dates set by this ordinance.

**Section 2.** The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to the proposal described in Exhibit A.

**Section 3.** The procedures for adoption of the proposal shall be as follows: (1) notice as required by this ordinance, (2) hearing as called by this ordinance, (3) report by the Z&PC, and (4) vote by the City Council on the question of adoption. The procedures for enforcing the proposal shall be as set out in the existing Zoning Ordinance. The proposal described in Exhibit A is hereby submitted and re-submitted to the Z&PC for its consideration.

**Section 4.** The City Secretary shall give notice of such hearing as prescribed by this section. The notice shall be in substantially the form set out in Exhibit B, which is attached and made a part of this ordinance by reference. The notice shall be published in the City's official newspaper (or another newspaper of general circulation in the City) at least once on or before the 16th day preceding the date of the hearing. In addition, the notice shall be mailed to the persons on the mailing list for the *City Currents* newsletter. The notices shall be deposited in the United States mail on or before ninth day preceding the date of the hearing, properly addressed with postage prepaid. Alternately, the notices may be included within the newsletter or with utility bills or may be separate. The City Council specifically approves giving combined notice of two or more hearings in a single notice document, as this would save money and also provide better information about the full scope of possible amendments to all interested persons.

**Section 5.** The City staff is authorized to make all necessary arrangements for the hearing and to assist the Zoning and Planning Commission and the City Council.

**Section 6.** If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 7.** The City Council officially finds, determines and declares that sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended, and that such meeting has been open to the public as required by law at all

times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 8.** Because the proposal to amend the Zoning Ordinance is vitally important and should be considered at the earliest possible date, a state of emergency is declared requiring that this ordinance be read and adopted finally at this meeting. Accordingly, this ordinance shall be adopted finally on first reading and shall become effective immediately upon adoption and signature.

**PASSED, APPROVED, ADOPTED AND SIGNED** on \_\_\_\_\_, 20\_\_\_\_.

**Attest/Seal:** \_\_\_\_\_  
City Secretary

**Signed:** \_\_\_\_\_  
Mayor

Recommended:

\_\_\_\_\_  
City Manager

Approved as to legal form:

\_\_\_\_\_  
City Attorney

*Exhibit A*

**Zoning & Planning Commission**

City of West University Place, Texas  
3800 University Boulevard  
West University Place, Texas 77005

May 10, 2018

Honorable Mayor &  
Members of the City Council  
City of West University Place  
3800 University Boulevard  
Houston, Texas 77005

Subject: Preliminary report on a request to amend the Zoning Ordinance and Code of Ordinances, including the Zoning District Map of the City of West University Place, Texas ("City") relating to changing the use a building site located at the corner of Academy and Ruskin Street from "SF3" (Single Family (Detached) 3) District to "PDD-SF2" (Planned Development District Single Family Two) District.

To the Honorable Mayor  
& Members of City Council:

The Zoning & Planning Commission of the City submits this, its preliminary report, on the subject proposal, for the assistance of the Council as well as other interested persons.

Scope of Proposal. The purpose of this proposal is to amend the Zoning Ordinance and Zoning District Map by changing the zoning district designation of the building site located at the corner of the intersection of Academy and Ruskin Street, more fully described as Lots One through Four in Block Twenty-five of the Collegeview Section One subdivision. This request by the property owner, AT&T (Southwestern Bell), is to rezone four of six abutting lots that have been developed as parking for the main ATT structure fronting on Bellaire Boulevard.

The site was originally developed as single family residential. There were 10 abutting lots that fronted on Ruskin Street. In 1970, four of the lots (One through Four) were granted a special exception for use as parking for the then Southwestern Bell (SWBT) vehicles and the vehicles in use by the SWBT employees.

Five years later in 1975, a second exception was granted for parking of vehicles on Lots Five through Ten, restricting Lots Seven through Ten to passenger vehicles only. There were restrictions associated with the special exception as to plantings, fencing, lighting, etc. The underlying zoning designation for lots Five through Ten has remained residential, but subsequent zoning ordinance amendments and zoning map adoptions have at different times changed to townhome "Ruskin Townhome District" and eventually to the current PDD-SF2 designation. Lots One through Four have remained in the SF3 District.

The PDD-SF2 District has the same restrictions and requirements as the SF3 District. Both only allow residential use, have the same setbacks and height and area restrictions, curb cut and driveway restrictions, etc. The one thing that separates the two districts is the language that authorizes the ZBA to issue a special exception to allow a parking lot for adjacent business activities. Amending the zoning designation for Lots One through Four, would allow the block of ten lots to be within the same zoning district with the same regulations.

The proposal also includes language (see Attachment 1 to this report) that would give the ZBA authority to specify the type and nature of allowed incidental activities when granting a special exception for parking. The incidental uses would have to be related to the use and the lots must be held under common ownership.

Preliminary Recommendation. Subject to further review following public hearing, the Commission recommends that the City Council call a joint public hearing to consider this matter. The Commission invites all interested persons to participate in the joint public hearing.

The Vote. The vote on approval of this report was as follows: Wilson, McEnany and Cutrer voted "aye;" Jensen and Tsai voted "no"; Brantley and Johnston absent.

Respectfully submitted:

ZONING AND PLANNING COMMISSION OF THE  
CITY OF WEST UNIVERSITY PLACE, TEXAS

By: Richard A. Wilson, Chair  
For the Commission



May 10, 2018

Attachment #1

(Additions to Existing Note 5 are shown by underline)

***Note 5. Parking and Incidental Use in PDD-SF2.*** The ZBA may issue a special exception to authorize parking of motor vehicles and/or Incidental Uses (defined below) in connection with nearby commercial activities on adjacent land under common ownership, upon approval by the ZBA of (i) the types of vehicles, design of parking facilities (including landscaping, paving, lighting, fences or walls, signs, etc.) and curb cuts, and/or (ii) the types and nature of Incidental Uses, all of which may be included as site-specific conditions of the special exception. Incidental Uses for the purpose of this provision may include the following types of uses:

1. Transportation of commercial items used in the normal course of providing applicable commercial services to customers to and from vehicles;
2. Removal of trash, litter and materials from vehicles to designated waste areas; and
3. Sorting and organizing of commercial items customarily contained in applicable work vehicles at certain times and durations, as determined by the ZBA.

Notwithstanding the foregoing, Incidental Uses for the purpose of this provision may not have a material adverse impact on adjacent residential homes, and the ZBA may limit the number of vehicles and hours of operation related to such activities.

*Exhibit B*  
**NOTICE OF PUBLIC HEARINGS**

The Zoning & Planning Commission and the City Council of the City of West University Place, Texas ("City") will hold a joint public hearing in the Council Chamber of the Municipal Building, 3800 University Boulevard, Houston, Texas 77005 during the City Council meeting set to begin at 6:30 PM on \_\_\_\_\_. The hearing may be recessed and continued to the City Council meeting set to begin at 6:30 p.m. on \_\_\_\_\_, at the same place. The purpose for the hearing is to provide an opportunity for parties in interest and citizens to be heard in relation to proposals to amend the City's Zoning Ordinance (and Code of Ordinances) including the Zoning District Map, as follows:

**Request for Rezoning of Lots 1-4 Block 25 of Collegeview Section 1. Scope of Proposal.** The purpose of this proposal is to amend the Zoning Ordinance and Zoning District Map by changing the zoning district designation of the building site located at the corner of the intersection of Academy and Ruskin Street, more fully described as Lots One through Four in Block Twenty-five of the Collegeview Section One subdivision. This request by the property owner, AT&T (Southwestern Bell), is to rezone four of six abutting lots that have been developed as parking for the main ATT structure fronting on Bellaire Boulevard.

The site was originally developed as single family residential. There were 10 abutting lots that fronted on Ruskin Street. In 1970, four of the lots (One through Four) were granted a special exception for use as parking for the then Southwestern Bell (SWBT) vehicles and the vehicles in use by the SWBT employees. Five years later in 1975, a second exception was granted for parking of vehicles on Lots Five through Ten, restricting Lots Seven through Ten to passenger vehicles only. There were restrictions associated with the special exception as to plantings, fencing, lighting, etc. The underlying zoning designation for lots Five through Ten has remained residential, but subsequent zoning ordinance amendments and zoning map adoptions have at different times changed to townhome "Ruskin Townhome District" and eventually to the current PDD-SF2 designation. Lots One through Four have remained in the SF3 District.

The PDD-SF2 District has the same restrictions and requirements as the SF3 District. Both only allow residential use, have the same setbacks and height and area restrictions, curb cut and driveway restrictions, etc. The one thing that separates the two districts is the language that authorizes the ZBA to issue a special exception to allow a parking lot for adjacent business activities. Amending the zoning designation for Lots One through Four, would allow the block of ten lots to be within the same zoning district with the same regulations.

The proposal also includes language that would give the ZBA authority to authorize the type and nature of incidental activities when granting a special exception for parking. The incidental uses would have to be related to the use and the lots must be held under common ownership.

Additional details on the proposal as well as the Zoning Ordinance and Code of Ordinances are all available for public inspection in the Municipal Building, 3800 University Boulevard, Houston, Texas 77005. The proposed changes to the Zoning Ordinance and Code of Ordinances would apply generally within the City, and any person interested in such matters should attend the hearings. The proposals may be adopted only after notice and hearing and would control over anything inconsistent in the current Zoning Ordinance or Code of Ordinances.

Date: \_\_\_\_\_ /s/City Secretary

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	3
<b>DATE SUBMITTED:</b>	May 17, 2018	<b>DEPARTMENT:</b>	City Administration
<b>PREPARED BY:</b>	M. C. Peifer, City Manager	<b>PRESENTER:</b>	M. Christopher Peifer, City Manager
<b>SUBJECT:</b>	<b>Discussion on Charter Review Committee and Consideration of Appointing Members to the Committee</b>		
<b>ATTACHMENTS:</b>	N/A		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

The Charter for the City of West University Place, Article X. – General Provisions, Section 10. 13 – Charter Review; states that:

“In 1988, and every six years thereafter, the Council shall appoint, at its first regular meeting in June (June 11<sup>th</sup> this year), a Charter Review Committee of seven residents of the City. The term of office of the Charter Review Committee shall be six months unless extended by the Council.”

As 2018 is a Charter Review year we wanted to take this opportunity to discuss the following powers and the term of this ad hoc committee to be appointed by City Council.

“Powers and Duties of Charter Review Committee are:

- (1) Inquire into the operations of the City government and review the Charter to determine whether the Charter needs revision. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and to require the submission of City records necessary to the inquiry and review.
- (2) Propose to Council recommendations if necessary to insure that the City government and its operations comply with this Charter.
- (3) Propose to Council recommendations if necessary to improve the effectiveness of this Charter.
- (4) Make a written report of its findings and recommendations to Council.
- (5) Present to Council proposed Charter amendments if any are considered necessary.
- (6) Meet at least once every two months during its term.”

**RECOMMENDATION**

Staff recommends that City Council discuss these matters to include appointing members to this committee should they so elect.

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	4
<b>DATE SUBMITTED:</b>	May 18, 2018	<b>DEPARTMENT:</b>	Finance
<b>PREPARED BY:</b>	Marie Kalka, Finance Director	<b>PRESENTER:</b>	Marie Kalka, Finance Director
<b>SUBJECT:</b>	<b>Amendment to 2017 Budget</b>		
<b>ATTACHMENTS:</b>	<b>Ordinance with Exhibit A – Budget Amendment Worksheet</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

During the Fiscal Year 2018 budget process, in addition to developing the departmental budgets for 2018, each department reviewed their expenditures for the 2017 fiscal year and estimated the expenditures anticipated for the remainder of the year. In preparing for the 2017 audit, it was determined that some expenditures for the remainder of the year were underestimated. For housekeeping purposes, an amendment to the 2017 budget appropriations is presented for approval. The amendments are as follows:

**GENERAL FUND**

None

**FIRE SPECIAL REVENUE FUND**

Original Anticipated Revenue \$0; Amended Revenue \$4,394.  
Original Appropriations \$0; Amended Appropriations \$4,394.  
Expenditures exceeded appropriations due to expenditures made for the purchase of fire rescue vests from the Assistance to Firefighters Grant received. Sufficient revenue and fund balance exists to fund the expenditures.

**DEBT SERVICE FUND**

Original Revenue \$8,954,769; Amended Revenue \$18,919,769.  
Original Appropriations \$8,923,718; Amended Appropriations \$18,888,718.  
Expenditures exceeded appropriations due to refunding of debt in September 2017 which resulted in estimated savings of \$1M over 11 years. Sufficient funds exist from the refunding to fund the expenditure.

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

**TRANSPORTATION IMPROVEMENT FUND**

Original Anticipated Revenue \$500,000; Amended Revenue \$500,000.

Original Appropriations \$75,000; Amended Appropriations \$209,884.

Expenditures exceeded appropriations due to expenditures made for the purchase of CCTV sewer inspection camera and emergency repairs to Wesleyan storm sewer. Sufficient revenue and fund balance exists to fund the expenditures.

**EQUIPMENT REPLACEMENT FUND**

Original Anticipated Revenue \$851,700; Amended Revenue \$851,700.

Original Appropriations \$5,600; Amended Appropriations \$86,750.

Expenditures exceeded appropriations due to expenditures made for the purchase of chiller at City Hall slated originally for 2018 and additional fire bunker gear for new hires. Sufficient revenue and fund balance exists to fund the expenditures.

See Attached Spreadsheet.

**RECOMMENDATION**

Staff recommends that City Council adopt an ordinance approving and adopting an amendment to the 2017 Budget.

**ORDINANCE NO. XXXX**

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017; CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY

WHEREAS, it is found and determined that changes in the current budget are necessary for municipal purposes and that amendments are necessary for emergencies of the kind contemplated by state law, and it is formally found, determined and declared that such emergencies exist;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

Section 1. That the budget of the City of West University Place for the 12 month period beginning January 1, 2017, and ending December 31, 2017 as heretofore adopted be, and it is hereby, amended as shown in Exhibit A attached.

Section 2. The City Council approves, adopts and ratifies the findings set out in the preamble hereof and directs that the City Secretary file a copy of this ordinance with the county clerk, in the same manner as original budgets are required to be filed.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered, or acted upon was given in the manner required by the Open Meetings Act, Chapter 551, Texas Local Government Code, as amended,

and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 6. The public importance of this measure and the requirement of the law create an emergency and an urgent public necessity requiring that this ordinance be passed and take effect as an emergency measure, and a state of emergency is hereby declared. This ordinance is accordingly passed as an emergency measure and shall take effect immediately upon adoption and signature.

Section 7. This ordinance shall become effective upon adoption and signature.

PASSED, APPROVED AND ADOPTED ON FIRST AND FINAL READING on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

(Seal)

Attest: \_\_\_\_\_  
City Secretary Thelma Gilliam

Signed: \_\_\_\_\_  
Mayor Susan Sample

Recommended by:

\_\_\_\_\_  
City Manager M. Christopher Peifer

Approved as to legal form:

\_\_\_\_\_  
City Attorney Alan Petrov

<b>City of West University Place, Texas</b> <b>Budget Amendment</b>
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	<u>2017 Budget</u>	<u>Amendment May 21, 2018</u>	<u>2017 Amended Budget</u>
<b><u>GENERAL FUND</u></b>			
<b><u>Appropriation</u></b>			
Department			
Administration	1,319,365	-	1,319,365
Finance	2,274,630	-	2,274,630
Police	5,072,150	-	5,072,150
Fire	3,554,350	-	3,554,350
Public Works	3,272,800	-	3,272,800
Parks & Recreation	3,739,900	-	3,739,900
Transfers Out	500,000	-	500,000
<b>TOTAL APPROPRIATION</b>	<b>19,733,195</b>	<b>-</b>	<b>19,733,195</b>
 <b><u>Fire Special Revenue Fund</u></b>			
<b><u>Revenue</u></b>			
Donations	-	4,394	4,394
 <b><u>APPROPRIATION</u></b>			
Operating Supplies	-	4,394	4,394
 <b><u>DEBT SERVICE FUND</u></b>			
<b><u>Revenue</u></b>			
General Obligation Bond Proceeds	-	9,965,000	9,965,000
 <b><u>APPROPRIATION</u></b>			
Bond Issuance Costs	-	83,407	83,407
Payment to Refunded Bond Escrow Agent	-	9,881,593	9,881,593
 <b><u>Transportation Improvement Fund</u></b>			
<b><u>APPROPRIATION</u></b>			
Other Construction Costs	-	134,884	134,884
 <b><u>Equipment Replacement Fund</u></b>			
<b><u>APPROPRIATION</u></b>			
Other Equipment	5,600	81,150	86,750





# The City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

Susan Sample, Mayor  
Wayne J. Franklin, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember Mardi  
Turner, Councilmember

## **STAFF**

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

**DRAFT**

## **CITY COUNCIL ACTION MINUTES**

The City Council of the City of West University Place, Texas, met in regular session on **Monday, May 14, 2018**, in the Municipal Building, 3800 University, West University Place, Texas beginning at approximately **6:00 p.m.**

### **Agenda was as follows:**

**Called Meeting to Order.** Mayor Sample called the Regular Meeting to order at approximately 6:39 p.m. Council and Staff in attendance were: Mayor Pro Tem Franklin, Councilmembers Burke and Higley, City Manager Peifer, City Attorney Petrov, City Secretary Gilliam, Assistant City Manager/Public Works Director Beach, Fiscal Services Officer Steubing, Patrol Sergeant Olive, Parks and Recreation Director White, Human Resources Director Urban, Building Official Chew, Fire Chief Taylor, and Fire Marshal Novak. Councilmember Turner was absent.

**Pledge of Allegiance:** Jackson Herrscher, Boy Scout Troop 1226, led the Pledge.

**Notice of Meeting:** City Secretary Gilliam confirmed that the notice of the meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

Regular Meeting Agenda items were as follows:

### **1. Public Comments**

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

- Robert Grossman, 4103 Ruskin, spoke regarding the AT&T facility.
- Alida Drewes, 6112 Fordham, spoke regarding various issues.

### **2. Jennie Elizabeth Hughes Park**

Matters related to awarding a contract for the Jennie Elizabeth Hughes Park Construction, approval of Friends expenditure for project funding, and variance allowance for items located in the front yard setback. *Recommended Action: Discuss and take any desired action. Ms. Susan White, Parks and Recreation Director*

After a presentation by Parks and Recreation Director White, comments were received from the following residents:

- **Melissa Pifko**, 2812 Nottingham, supported the shade structure.
- **Lynn Old**, 6422 Sewanee, supported the shade structure.
- **Dick Yehle**, 6401 Rutgers, opposed the brick wall.

- **Mark Prescott**, 2907 Nottingham, spoke on behalf of the Friends of West U Parks and said the Board voted unanimously to support the full funding request for the park and also said there was unanimous support for the shade structure.
- **Doug Friedman**, 6440 Sewanee, spoke to support the masonry wall at least on the north side of the park and to request that the bike rack be moved to Pittsburg.

After discussion, Councilmember Higley moved to approve a construction option and authorize the city manager to enter into a formal agreement with Landscape Art, Inc. for the construction of Hughes Park for the amount of the options selected, approve the Friends funding expenditure as required by Ordinance for the remaining project expenses based on the construction option selected, and allow for a variance to the existing zoning regulations for the perimeter fence, brick steps, brick columns, and porch structure to be located in the front yard (setback). Councilmember Higley noted that the options mentioned in the motion were (1) the front porch and (2) the brick fences. **MOTION DIED DUE TO LACK OF A SECOND.**

Councilmember Burke moved to follow the staff and committee recommendations to approve a construction option and authorize the City Manager to enter a formal agreement with Landscape Art for the construction of Hughes Park for the base amount of \$280,136, plus \$56,529 for the addition of the shade structure; approve the Friends funding expenditure as required by Ordinance for the remaining project expenses based on the construction option selected (base amount plus shade structure); and, allow for a variance to the existing zoning regulations for the perimeter fence, brick steps, brick columns, and porch structure to be located in the front yard (setback). Mayor Pro Tem Franklin seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke  
**Noes:** Higley  
**Absent:** Turner

### **3. Charter Review Committee (Possible Executive Session)**

Matters related to discussing the Charter Review Committee and possibly appointing members. *Recommended Action: Discuss and take any desired action. Mr. M. Chris Peifer, City Manager*

At 7:30 p.m., Councilmember Higley moved to convene into Executive Session pursuant to Chapter 551 of the Texas Government Code for reasons related to Section 551.074 (personnel matters). Mayor Pro Tem Franklin seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

At 8:05 p.m. Mayor Sample closed the executive session and reconvened the regular session.

### **4. Construction Code Updates**

Matters related to updating the International Code Council (ICC) construction codes to the 2018 Edition including but not limited to the building, plumbing, fuel gas, mechanical, etc., 2017 National Electric Code and local amendments. *Recommended Action: Discuss and take any desired action. Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Building Official*

After discussion, assistant City Manager/Public Works Director Beach said that staff and the Building and Standards Commission recommend that City Council adopt the 2018 International Code (ICC),

2017 National Electrical Code (NEC) and local amendments, which amends Appendix C, Technical Codes Schedule of the Code of Ordinances on the first of two readings.

Councilmember Higley moved to approve the recommendation by staff and the BSC. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

**5. Lowest Floor Elevation**

Matters related to lowest floor elevation. *Recommended Action:* Discuss and take any desired action. **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Building Official**

After discussion, Assistant City Manager/Public Works Director Beach stated that the Building and Standards Commission and staff recommend the City Council approve the ordinance amending Chapter 18, Article IX, Section 18-275 and Appendix C Technical Code Schedule of the Code of Ordinance on the first of two readings.

Councilmember Higley moved to approve the recommendation by staff and the BSC. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

**6. Limitation of Fill**

Matters related to limiting the amount of fill on lots for new construction. *Recommended Action:* Discuss and take any desired action. **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Chief Building Official**

After discussion, the Assistant City Manager/Public Works Director stated that the Building and Standards Commission and staff recommend that City Council approve the ordinance amending Chapter 18, Article II, Section 18-56 of the Code of Ordinances on the first of two readings.

Councilmember Higley moved to approve the recommendation by staff and the BSC. Mayor Pro Tem Franklin seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

**7. Fence Regulations**

Matters related to requiring a rot board and fence height measurement. *Recommended Action:* Discuss and take any desired action. **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Clay Chew, Chief Building Official**

After discussion, the Assistant City Manager/Public Works Director stated that The Building and Standards Commission and staff recommend that City Council approve the ordinance amending Chapter 18, Article VII, Section 18-200 of the Code of Ordinance on the first of two readings.

Councilmember Higley moved to approve the recommendation by staff and the BSC. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

**8. Consent Agenda**

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**A. City Council Minutes**

Approve City Council Action Minutes of April 23, 2018. *Recommended Action: Approve Minutes.* **Ms. Thelma Gilliam, City Secretary**

**B. Award Bid for Debris Monitoring Services**

Matters related to awarding the bid for debris monitoring services. *Recommended Action: Award bid.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Aaron Taylor, Fire Chief** [See Agenda Memo 9B]

**C. Award Bid for Debris Hauling Services**

Matters related to awarding the bid for debris hauling services. *Recommended Action: Award bid.* **Mr. Dave Beach, Assistant City Manager/Public Works Director and Mr. Aaron Taylor, Fire Chief**

**D. Award Bid for Grant Management**

Matters related to awarding bid for grant management services. *Recommended Action: Award bid.* **Mr. Aaron Taylor, Fire Chief**

**E. Ordinance Increasing Water Rates**

Matters related to approval of an ordinance increasing wastewater rates as recommended by the City's consultant on the second and final reading. *Recommended Action: Approve ordinance increasing water rates as recommended by the City's consultants on the second and final reading.* **Ms. Marie Kalka, Finance Director**

Councilmember Higley moved to approve the Consent Agenda as presented. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

**9. Adjourn**

With no other matters before Council, Councilmember Higley moved to adjourn the meeting at approximately 8:25 p.m. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Franklin, Burke, Higley  
**Noes:** None  
**Absent:** Turner

Prepared by: Thelma A. Gilliam, TRMC, City Secretary

Council Approval Date



# The City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

Susan Sample, Mayor  
Wayne J. Franklin, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember  
Mardi Turner, Councilmember

## **STAFF**

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

**DRAFT**

## **CITY COUNCIL SPECIAL MINUTES**

The City Council of the City of West University Place, Texas, met in special session on **Thursday, May 17, 2018**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:00 p.m.**

**Call to Order.** Mayor Sample called the meeting to order at 6:00 p.m. in the Bill Watson Conference Room. Council and Staff in attendance were: Mayor Pro Tem Franklin and Councilmember Higley, City Manager Peifer, City Secretary Gilliam, and Human Resources Director Urban. Councilmembers Burke and Turner were absent.

The agenda was as follows:

**1. Executive Search for City Manager**

Council heard presentations from representatives of two executive search firms, SGR and Springsted/Waters, as part of the process to select a firm to conduct a search for the next West University Place City Manager.

**2. Adjourn**

With no action taken, the meeting adjourned at approximately 7:10 p.m.

Prepared By:

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Thelma A. Gilliam, TRMC, City Secretary

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Date Approved

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	5B
<b>DATE SUBMITTED:</b>	May 16, 2018	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	D. Beach, ACM / PWD C. Chew, CBO	<b>PRESENTER:</b>	D. Beach ACM / PW Dir.
<b>SUBJECT:</b>	<b>Construction Code Updates</b>		
<b>ATTACHMENTS:</b>	1) <b>Significant changes to the International Codes and significant changes to the National Electric Code</b> 2) <b>Ordinance including addition to local amendments</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

The Building and Standards Commission (BSC) and Staff have been reviewed the new updates in the 2018 International Code Council (ICC), 2017 National Electrical Code (NEC) and local amendments, which would replace our current version of the 2012 ICC and 2011 NEC.

The ICC and NEC is the universal building code used throughout the United States by jurisdictions who have adopted these standards, which ensures consistent and safe building practices. Each of the Codes is updated every three years and the City has traditionally updated the Code on a six-year cycle because not all of the updates affect the City due to our limited variation of construction (i.e. mostly residential). The Chief Building Official monitors the code updates and if there are significant changes to the codes then those would be brought before the BSC for review at that time.

Staff and the BSC are both recommending adoption of the 2018 ICC, 2017 NEC and local amendments to ensure the high standard of construction in our community.

The City Attorney has approved to legal form.

**RECOMMENDATION**

The Building and Standards Commission and Staff recommend the City Council adopt the 2018 International Code (ICC), 2017 National Electrical Code (NEC) and local amendments, which amends Appendix C, Technical Codes Schedule of the Code of Ordinances on the second and final reading.

# Significant Code Changes Index

## 2018 I-Codes and 2017 National Electrical Code

### International Residential Code

1. **R105.3.1.1 Existing Buildings in Flood Hazard Areas.**

**Change Type:** Modification

**Change Summary:** Determination of substantial improvement for existing buildings in flood hazard areas is the responsibility of the building official. The related provisions are now consolidated in Section R105.3.1.1.

2. **R308.4.2 Glazing Adjacent to Doors.**

**Change Type:** Modification

**Change Summary:** Glazing within 24 inches of the hinge side of any in-swinging door now requires safety glazing where the glazing is at an angle less than 180 degrees from the plane of the door.

3. **R311.7.3 Maximum Stair Rise between Landings.**

**Change Type:** Modification

**Change Summary:** The maximum rise of a flight of stairs has increased by 4 inches, from 147 inches to 151 inches.

4. **R312.1.2 Guard Height.**

**Change Type:** Modification

**Change Summary:** The provisions requiring that the guard height be measured from the surface of adjacent fixed seating has been removed from the code.

5. **R314 Smoke Alarms.**

**Change Type:** Modification

**Change Summary:** Battery-operated smoke alarms are permitted for satisfying the smoke alarm power requirements when alterations, repairs and additions occur. Household fire alarm systems no longer require monitoring by an approved supervising station. New provisions address smoke alarms installed near bathrooms and cooking appliances.

6. **R315 Carbon Monoxide Alarms.**

**Change Type:** Modification

**Change Summary:** Interconnection is now required where multiple carbon monoxide alarms are required in a dwelling unit.

7. **R317.3 Fasteners in Treated Wood.**

**Change Type:** Modification

**Change Summary:** Staples in preservation-treated wood and fire-retardant-treated wood are now required to be made of stainless steel.

8. **R322.1, R322.2 Flood Hazards**

**Change Type:** Modification

**Change Summary:** Section R322.1 is modified to emphasize that the provision applies to existing buildings in flood hazard areas where 50 percent or more of the structure has damage and requires restoration. Section R322.2 limits the minimum elevation allowed for dwellings in flood hazard areas and defines a Coastal A Zone.

9. **R324.6 Roof Access for Photovoltaic Solar Energy Systems**

**Change Type:** Addition

**Change Summary:** Requirements for roof access and pathways for firefighters have been introduced into the IRC provisions for rooftop-mounted photovoltaic solar energy systems.



**10. R324.6.2.2 Solar Panels near Emergency Escape and Rescue Openings**

**Change Type:** Addition

**Change Summary:** Rooftop-mounted photovoltaic solar energy panels and modules are not permitted to be installed directly below emergency escape and rescue openings.

**11. R403.1.6 Foundation Anchorage**

**Change Type:** Modification

**Change Summary:** Anchor bolts are now required to be placed in the middle third of the still plate. Approved anchors may be used instead of 1/2-inch anchor bolts.

**12. Tables R502.3.1(1), R502.3.1(2)**

**Change Type:** Modification

**Change Summary:** Changes to Southern Pine (SP), Douglas Fir-Larch (DFL), and Hemlock Fir (HF) lumber capacities have changed the floor joist span length in the prescriptive tables of the IRC. Span lengths for Southern Pine have decreased; lengths for DFL and HF joists have increased.

**13. R507.1, R507.4 Decking**

**Change Type:** Modification

**Change Summary:** The code sets the maximum allowable spacing for deck joists supporting the various types of common decking materials.

**14. Tables R802.4, R802.5 Ceiling Joist and Rafter Tables**

**Change Type:** Modification

**Change Summary:** Changes to Southern Pine, Douglas Fir-Larch and Hemlock Fir capacities have changed the maximum spans for lumber in the ceiling joist and rafter span tables of the International Residential Code.

**15. R1005.8 Chimney Insulation Shield**

**Change Type:** Addition

**Change Summary:** Factory-built chimneys, which have been required to maintain a minimum clearance to insulation, are now required to have an insulation shield to provide the clearance.

## **Energy Conservation**

**16. N1101.14 Permanent Energy Certificate**

**Change Type:** Modification

**Change Summary:** The code now requires the permanent energy certificate to be placed on a wall in proximity to the furnace, in a utility room, or in another approved location inside the building.

**17. N1102.4 Testing for Air Leakage**

**Change Type:** Modification

**Change Summary:** A new standard for air-leakage testing, RESNET/ICC 380, is now referenced in the IRC to provide flexibility for the testing industry.

**18. N1104.1 Lighting**

**Change Type:** Modification

**Change Summary:** The required percentage of permanent lighting fixtures having high-efficacy lamps has increased from 75% to 90%.

## **Mechanical Code**

**19. M1502.4.6 Dryer Duct Length Identification**

**Change Type:** Modification

**Change Summary:** A permanent label identifying the concealed length of the dryer exhaust duct is no longer required where the equivalent duct length does not exceed 35 feet. For the dryer exhaust duct exceeding 35 feet, a label or tag is required whether the duct is concealed or not.

**20. M1503.4 Makeup Air for Range Hoods**

**Change Type:** Modification

**Change Summary:** Automatic operation of a mechanical damper is no longer supplying makeup air for kitchen exhaust systems exceeding a rating of 400 cubic feet per minute (cfm). Transfer openings are permitted to obtain makeup air from rooms other than the kitchen.

## **Fuel Gas Code**

**21. G2414.6 Plastic Pipe, Tubing and Fittings**

**Change Type:** Modification

**Change Summary:** PVC and CPVC pipe are expressly prohibited materials for supplying fuel gas.

**22. G2426.7.1 Door Clearance to Vent Terminals**

**Change Type:** Addition

**Change Summary:** An appliance vent terminal is not permitted in a location within 12 inches of the arch of a swinging door.

## **Plumbing Code**

**23. P2503.5 Drain, Waste and Vent Systems Testing**

**Change Type:** Modification

**Change Summary:** The head pressure for a water test on drain, waste and vent (DWV) systems has been reduced from 10 feet to 5 feet.

**24. P2503.7 Air Testing of PEX Piping**

**Change Type:** Modification

**Change Summary:** Compressed-air testing of PEX water-supply piping is now allowed when testing is accordance with the manufacturer's instructions.

**25. P2801.6 Plastic Pan for Gas-Fired Water Heaters**

**Change Type:** Modification

**Change Summary:** Plastic safety pans are now allowed under gas water heaters provided the material falls within the prescribed flame spread and smoke-developed indices.

**26. P2804.6.1 Water Heater Relief Valve Discharge Piping**

**Change Type:** Modification

**Change Summary:** The temperature and pressure (T&P) relief valve discharge pipe termination must have an air gap suitable to protect the potable water supply distribution system of the building. PEX and PE-RT tubing used for relief valve discharge piping must be one size larger than the T&P valve discharge outlet, and the outlet end of the tubing must be fastened in place.

**27. P2903.5 Water Hammer Arrestors**

**Change Type:** Modification

**Change Summary:** A water hammer arrestor is now required where quick-closing valves are used in the water distribution system.

## **Electrical Code**

### **28. E3703.5 Garage Branch Circuits**

**Change Type:** Addition

**Change Summary:** A separate 20-ampere branch circuit is now required to serve receptacle outlets of attached garages and detached garages with electric power.

### **29. E3901.2 Wall Space for Receptacle Distribution**

**Change Type:** Modification

**Change Summary:** Cabinets with countertops are now considered wall space in determining required locations for general purpose receptacle outlets.

### **30. E3901.9 Garage Receptacle Outlet Location**

**Change Type:** Modification

**Change Summary:** A receptacle outlet must be located in each vehicle bay in a garage.

### **31. E3902.8, E3902.9, E3902.10 Ground-Fault Circuit Interrupter Protection**

**Change Type:** Modification

**Change Summary:** Laundry areas have been added to the list of locations requiring ground-fault circuit interrupter (GFCI) protection. Receptacles within 6 feet of bathtubs and showers and receptacles for dishwashers also require GFCI protection.

## **National Electrical Code**

**32. 110.26 (E) (2) (c). Dedicated Equipment Space.** The space equal to the width and depth of the equipment, and extending from grade to a height of 1.8 m (6 ft) above the equipment, shall be dedicated to the electrical installation. No piping or other equipment foreign to the electrical installation shall be located in this zone.

**33. 210.12(A) Arc-Fault Circuit-Interrupter Protection in Dwelling Units.** All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit kitchens and laundry areas.

**34. 210.64 Electrical Service Areas.** The 2014 requirement is that a 125 V 15 A or 20A receptacle has to be located within 50 feet. 2017 has expanded this by limiting the distance to within 25 feet and in an accessible location. There is a big benefit to electrical contractors installing services where 120V may not otherwise even be required.

**35. 230.95(C) Performance Testing (GFPE).** Primary current injection testing is now required after installation. Unlike GFCI which protects people from electrical shock, GFPE protects expensive equipment from damage in the case of a ground fault.

**36. 680.21 (C). Swimming Pool Motor GFCI Protection.** Outlets supplying pool pump motors connected to single-phase, 120-volt through 240-volt branch circuits, whether by receptacle or by direct connection, shall be provided with ground-fault circuit-interrupter protection for personnel.

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS AMENDING APPENDIX C, TECHNICAL CODES SCHEDULE, OF THE WEST UNIVERSITY PLACE CODE OF ORDINANCES BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FUEL GAS CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE; ADOPTING THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE; AND PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS THERETO.**

**WHEREAS**, the building official of the City of West University Place, Texas, has proposed to amend the Technical Codes Schedule by adopting updated editions of the standard codes that are incorporated into the Code of Ordinances, local amendments to the standard codes and related amendments to Code of Ordinance provisions; and

**WHEREAS**, such updates and amendments were referred to the Building & Standards Commission, which has recommended them for consideration and adoption by the City Council; and

**WHEREAS**, the City Council of the City of West University Place, Texas now finds that it is necessary and proper to update and amend the Technical Codes Schedule, the local amendments thereto, and related Code of Ordinance provisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS THAT:**

**Section 1.** The Code of Ordinances of the City of West University Place, Texas is amended as indicated in the chart below and to read as set out in the Exhibit A, attached hereto and made a part of this ordinance, as follows:

<b>Code Chapter</b>	<b>Section</b>	<b>Amendment</b>
Appendix C. Technical Codes Schedule		Adopt the updated editions of the standard codes that are incorporated into the Code of Ordinances
	Section C-109	Revise no. 4 to adopt a provision regarding PVC joint surfaces
	Section C-109	Revise no. 4 to adopt a provision regarding the installation of water heaters in certain locations

**Section 2.** All other portions of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 4.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 5.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 6.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2018.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED,** on the \_\_\_ day of \_\_\_\_\_, 2018.

**Attest:** \_\_\_\_\_  
City Secretary (Seal)

**Signed:** \_\_\_\_\_  
Mayor

Recommended: \_\_\_\_\_  
City Manager

Approved as to legal form: \_\_\_\_\_  
City Attorney

**Exhibit A**

(Amended Appendix C- Technical Codes Schedule, Code of Ordinances)

**APPENDIX C**

**TECHNICAL CODES SCHEDULE**

**International Building Code (IBC), 2018 Ed., International Code Council, Inc.**

**International Energy Conservation Code (IECC), 2018 Ed., International Code Council, Inc.**

**International Fire Code (IFC), 2018 Ed., International Code Council, Inc.**

**International Fuel Gas Code (IFGC), 2018 Ed., International Code Council, Inc.**

**International Mechanical Code (IMC), 2018 Ed., International Code Council, Inc.**

**International Plumbing Code (IPC), 2018 Ed., International Code Council, Inc.**

**International Residential Code (IRC), 2018 Ed., International Code Council, Inc.**

**National Electrical Code (NEC), 2017 Ed., National Fire Protection Association, ("NEC")**

**International Property Maintenance Code (IPMC), 2018 Ed., International Code Council, Inc.**

**International Swimming Pool and Spa Code (ISPSC), 2018 Ed., International Code Council, Inc.**

## Sec. C-109. - International Plumbing Code.

1. The administrative officer is the building official. Chapter 18 of this Code shall apply to enforcement and administration of this code in the same manner as it applies to the building code. The BSC shall have the same jurisdiction and authority with respect to the code as it has with respect to the building code.
2. Delete: All appendices to and sections P103, P106 and P109 of the International Plumbing Code.
3. Even if otherwise permitted by the IPC;
  - a. Acrylonitrile-Butadiene-Styrene (ABS) pipe and fittings, Type M copper, lead- based pipe, aluminum DWV pipe and components are not approved materials for use. Air admittance valves are only approved for use in an unenclosed structure, i. e. outdoor kitchen.
  - b. Polybutylene, Polyethylene (PB, PE, PEX-AL-PEX, PE-AL-PE) are forbidden to be used for water service or distribution piping in concealed spaces (including attics).
  - c. The jointing procedure approved for PEX-a shall be a procedure utilizing ASTM F 1960 Fittings and PEX Rings, only.
  - d. Should a PEX-a or CPVC manifold system be installed it shall not be located on a wall shared with a garage.
4. Even if otherwise permitted by the IPC:
  - a. PVC type water pipe and fittings are not allowed for use in the City. Exceptions: (A) Schedule 40 meeting ASTM D1785 (or better) PVC water pipe may be used where permitted by the IPC, but only if: (i) it is installed underground (but see next paragraph requiring copper lines in some locations) or as pool piping, (ii) all joints are primed and glued as required by the manufacturer's recommendations (and the primer must be purple or another distinctive color, except on above-ground pool piping), and (iii) it is identified by proper markings. (B) This section does not apply to irrigation systems.
  - b. PVC joint surfaces shall be clean and free from moisture. A primer that conforms to ASTM F656 shall be applied before solvent cementing.
  - bc. All water lines under a slab on grade must be copper Type L, K or PEX-a. Each water line under, in or through a slab on grade must be sleeved with a continuous piece of tubing at least 0.025 inches thick terminating at least six inches above the finished floor.
  - ed. Irrigation systems must meet these criteria: (i) Schedule 40 PVC material meeting ASTM D1785 (or better) must be used for pressure lines. (ii) Class 160 PVC material (or better) must be used for field lines. (iii) All lines shall be buried at least six inches below grade. Note: The City is not responsible for irrigation system components located in street areas or easements (and special permits may be required to install such components in those locations; see, e.g., Chapter 70 of this Code).
  - de. Underground water service piping must be buried at least 12 inches below grade.
  - f. Water heaters installed in a location where water leakage from the tank will cause damage shall be placed in an approved pan with a drain to the exterior in accordance with the IPC.
  - eg. PVC drain, waste or vent pipe and fittings must be Schedule 40 meeting ASTM D2665 (or better) and identified by proper markings. Exception; Area drain piping may be SDR 35 PVC.
5. Amend Section 916.3 to read as follows: "The vent located below the flood level rim of the fixture being vented shall be installed below the floor using drainage pattern fittings with a fall of not less than one-quarter inch (1/4") per foot to the drain. The vent shall be sized in accordance with Section 906.2 with 2 "diameter pipe being the minimum. The lowest point of the island fixture vent shall connect full size to the drainage system. The vent or branch vent shall extend as high as practicable, but not below the drain board. There shall be a vent loop at the top of the fixture riser. The fittings shall prevent a horizontal segment at the top of the loop. Cleanouts shall be provided in the island

City of West University Place  
Harris County, Texas

fixture drain and vent to permit rodding of all piping located below the flood level rim of the fixtures. Rodding in both directions shall be permitted through a cleanout."

6. Amend Section 1101.2 to read in its entirety as follows: "The provisions of this chapter are applicable to interior leaders, building storm drains, building storm sewers, exterior conductors, downspouts, roof gutters and other storm drainage fixtures and facilities."
7. Maximum water meter size, unless an RPE (Registered Professional Engineer) can clearly and convincingly demonstrate the need for a larger meter in a particular case, is:  $\frac{3}{4}$ -inch for an irrigation system, or 1-inch for a single-family dwelling.

(Addition shown by underline; deletion shown by strike-out)



**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	5C
<b>DATE SUBMITTED:</b>	May 16, 2018	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	D. Beach, ACM / PWD C. Chew, CBO	<b>PRESENTER:</b>	D. Beach, ACM / PWD
<b>SUBJECT:</b>	<b>Lowest Floor Elevation</b>		
<b>ATTACHMENTS:</b>	<b>Ordinance</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

In the aftermath of Hurricane Harvey and at the request of the City Council, the Building and Standards Commission and Staff were asked review different methods and approaches to reduce or lessen the flooding potential of homes caused by extreme weather events.

The City's current building code requires new construction in the AE Zone (100-yr floodplain) to have the lowest floor built at or above the Base Flood Elevation (BFE), which enables those homes to participate in the National Flood Insurance Program (NFIP). Homes located outside the 100-yr floodplain are required to have the lowest floor at 15-inches above Standard Base Level (average grade).

A new change that is currently being considered by the City Council in the 2018 International Code Council (ICC) requires new homes or homes with 50% improvement value to be 12-inches above BFE.

The proposed changes would require the lowest floor level in the 100 year floodplain to be 24 inches above BFE and 24 inches above Standard Base Level in all other areas outside the floodplain. The recommended changes will lessen the possibility of a homeowners experiencing water in their home, as well as, provides a discount on the NFIP insurance premiums.

The City Attorney has approved to legal form.

**RECOMMENDATION**

The Building and Standards Commission and Staff recommend the City Council approve the ordinance amending Chapter 18, Article IX, Section 18-275 and Appendix C Technical Code Schedule of the Code of Ordinance on the second and final reading.

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 18, BUILDING AND DEVELOPMENT, ARTICLE IX, FLOOD DAMAGE PREVENTION, SECTION 18-275, PROVISIONS FOR FLOOD HAZARD REDUCTION, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, AND AMENDING APPENDIX C, TECHNICAL CODES SCHEDULE, SECTION C-104, INTERNATIONAL BUILDING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, RELATING TO LOWEST FLOOR ELEVATIONS AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:**

**Section 1.** Chapter 18, Building and Development, Article IX, Flood Damage Prevention, Section 18-275, Provisions For Flood Hazard Reduction, of the Code of Ordinances of the City of West University Place, Texas is amended relating to lowest floor elevations to read as set out in Appendix A, attached hereto. All other portions of Chapter 18 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 2.** Appendix C, Technical Codes Schedule, Section C-104, International Building Code, of the Code of Ordinances of the City of West University Place, Texas is amended relating to lowest floor elevations to read as set out in Appendix B, attached hereto. All other portions of Appendix C of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 4.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 5.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices

and the contents and posting thereof.

**Section 6.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the \_\_\_\_ day of \_\_\_\_\_, 2018.

PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED, on the \_\_\_\_ day of \_\_\_\_\_, 2018.

**Attest:** \_\_\_\_\_  
City Secretary (Seal)

**Signed:** \_\_\_\_\_  
Mayor

Recommended: \_\_\_\_\_  
City Manager

Approved as to legal form: \_\_\_\_\_  
City Attorney

## Appendix A

### (Amended Chapter 18, Article IX, Section 18-275 Code of Ordinances)

Sec. 18-275. - Provisions for flood hazard reduction.

- (a) *General standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  - (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
  - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (b) *Specific standards-(AE zones).* In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) subsection 18-273(b), (ii) subsection 18-274(b)(8), or (iii) subsection 18-275(c)(3), the following provisions are required:
- (1) *Residential construction.* new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to ~~or~~ 2 feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 18-274(c)(1)a., is satisfied.
  - (2) *Nonresidential construction.* new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to ~~or~~ 2 feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record

of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) *Enclosures.* new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*
- a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:
    - (i) Outside of a manufactured home park or subdivision;
    - (ii) In a new manufactured home park or subdivision;
    - (iii) In an expansion to an existing manufactured home park or subdivision; or
    - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to ~~or 2 feet~~ above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
    - (i) The lowest floor of the manufactured home is at ~~or 2 feet~~ above the base flood elevation, or

- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
  - a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use; or
  - c. Meet the permit requirements of subsection 18-274(c)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(c) *Standards for subdivision proposals.*

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections 18-271(b), (c), and (d) of this article.
  - (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of subsection 18-273(c); subsection 18-274(c); and the provisions of section 18-275 of this article.
  - (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to subsection 18-273(b) or subsection 18-274(b)(8) of this article.
  - (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
  - (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in subsection 18-273(b), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to ~~or 2 feet~~ above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

- (2) All new construction and substantial improvements of nonresidential structures:
  - a. Have the lowest floor (including basement) elevated to ~~or~~ 2 feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
  - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 18-274(c), are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) *Floodways.* Located within areas of special flood hazard established in subsection 18-273(b), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
  - (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - (2) If subsection 18-275(e)(1), above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 18-275.
  - (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
- (f) *Severability.* If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.
- (g) *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be

fined not more than allowed by law or imprisoned for not more than allowed by law, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent West University Place from taking such other lawful action as is necessary to prevent or remedy any violation.

(Addition shown by underline; deletion shown by strike-out)



**Appendix B**  
(Amended Appendix C, Section C-104 Code of Ordinances)

Sec. C-104. - International Building Code.

1. The administrative officer is the building official. All hearings, variances etc. are handled by the BSC.
2. On sites primarily used for residential purposes, all roofs must have Class A or better fire residence, as determined under Section 1505.1, except that wooden roofing materials are forbidden.
3. The foundation for each new building (and each new addition to a building) must meet all the criteria in this section, as applicable. Exception. if the building or addition does not contain habitable space (as defined in the IBC), it must meet only the requirements for "nonhabitable space," as indicated below.

a. *Definitions.* In this section:

"A2LA Lab" means a laboratory accredited by the American Association for Laboratory Accreditation on the basis of ISO/IEC 17025:1999 ("general requirements for the competence of testing and calibration laboratories").

"RLPE" means a licensed or registered professional engineer of the State of Texas who is:

- (1) Listed with the State Board of Professional Engineers in the structural branch;
- (2) Employed by a registered engineering firm of the State of Texas; and
- (3) Covered by professional errors and omissions insurance that: (i) has limits of at least \$500,000.00 per claim (and at least \$1,000,000.00 per year, aggregate) and (ii) has effective dates-including any retroactive coverage date-that include the entire period when the person provides services or takes actions regulated by this section.

"RLGE" means a person who is:

- (1) Either: (a) a registered professional geoscientist of the State of Texas, or (b) a licensed or registered professional engineer who is listed with the State Board of Professional Engineers in a relevant branch of engineering (civil, structural or geological) and employed by a registered engineering firm of the State of Texas; and
  - (2) Covered by professional errors and omissions insurance that: (i) has limits of at least \$500,000.00 per claim (and at least \$1,000,000.00 per year, aggregate) and (ii) has effective dates-including any retroactive coverage date-that include the entire period when the person provides services or takes actions regulated by this section.
- b. *Engineering.* Foundations must be constructed in accordance with complete plans and specifications prepared, signed and sealed by a RLPE. The plans and specifications

must be prepared specifically for the site of the work, and they must meet criteria as to scope, content and form specified by the building official. If there are existing trees (either to remain or to be removed) within 20 feet of a foundation, the RLPE must acknowledge, in writing, that the trees have been taken into account in the preparation of the plans and specifications.

- c. *Basic standards.* Each foundation must be an approved basic type listed in the following chart. In addition, the design of each foundation must be supported by a geotechnical report and special engineering certification, to the extent indicated in the following chart.

Approved Basic Types. See Note 1.	Geotechnical Report. See Notes 2 and 3.	Special Engineering Certification. See Note 4.
Structural slab with void space and deep foundations	<i>Limited</i>	<i>Not required</i>
Structural floor with crawl space and deep foundations	<i>Limited</i>	<i>Not required</i>
Stiffened structural slab with deep foundations	<i>Full</i>	<i>Required</i>
Stiffened non-structural slab with deep foundations	<i>Full</i>	<i>Required</i>
Mixed-depth system for all new building construction	<i>Full</i>	<i>Required</i>
Mixed-depth system for building additions with deep foundations	<i>Full</i>	<i>Required</i>
Another type approved by special exception issued by the BSC. See "i" below.	<i>As specified in the special exception</i>	<i>As specified in the special exception</i>

*Note 1. Approved Basic Types.* Types of foundations are defined and described in "Foundation Design Options For Residential and Other Low-Rise Buildings on Expansive Soils" published by the Structural Committee of the Foundation Performance Association, Houston, Texas (Document # FPA-SC-01-0, Rev #0, 30 Jun 04, marked "For Website Publishing"), a copy of which is on file in the City Secretary's office ("FDO").

*Note 2. Geotechnical Report, Standards.* The plans and specifications for each foundation must be based on a written geotechnical report prepared, signed and sealed by a RLGE. The report must cover all testing and site evaluation, and all must meet all applicable criteria in "Recommended Practice for Geotechnical Explorations and Reports" published by the Structural Committee of the Foundation Performance Association, Houston, Texas (Document # FPA-SC-04-0, Rev #0, 11 April 2001, issued for website publishing), a copy of which is on file in the City Secretary's office. The report may be

limited as allowed by Note 3 below. The minimum depth of borings is 20 feet in all cases. All required tests and other laboratory work must be performed by an A2LA Lab.

*Note 3. Geotechnical Report, Scope.* "Limited" indicates that the geotechnical testing, evaluation and report may be limited to a determination of the appropriate depth for the deep foundations (but the deep foundation components must meet the other criteria applicable to them). "Full" indicates that the geotechnical testing, evaluation and report must cover all foundation components.

*Note 4. Special Engineering Certification.* Where indicated as "required," for a particular type of foundation, the RLPE must certify that the plans and specifications were prepared to achieve a soil-caused foundation movement potential of one inch or less, and that the RLPE used the estimated depth of the active zone and at least two of the following methods to prepare the plans and specifications:

- (1) Potential vertical rise (PVR) determined in accordance with Test Method Tex-124-E, Rev. January 1, 1978/December 1982, Texas State Department of Highways and Public Transportation, Materials and Test Division, "Method for Determining the Potential Vertical Rise, PVR" (a copy of which is on file in the office of the City Secretary). For this purpose, the "dry" moisture condition (from which little shrinkage is experienced, but where volumetric swell potential is greatest) shall be used for each sample and test.
  - (2) Swell tests performed in accordance with ASTM D4546-03, "Standard Test Methods for One-Dimensional Swell or Settlement Potential of Cohesive Soils" as last revised prior to June 1, 2004.
  - (3) Suction and hydrometer swell tests performed in accordance with ASTM D5298-03 "Standard Test Method for Measurement of Soil Potential (Suction) Using Filter Paper" and ASTM D6836-02 "Standard Test Methods for Determination of the Soil Water Characteristic Curve for Desorption Using a Hanging Column, Pressure Extractor, Chilled Mirror Hygrometer, and/or Centrifuge," as such methods were last revised prior to June 1, 2004.
- d. *Foundations, Deep Support Components.* Deep support components must be of an approved type. Approved types are listed below. In this list, types of deep support components are defined and described in FDO.
- (1) Drilled and under-reamed concrete piers.
  - (2) Drilled straight-shaft concrete piers.
  - (3) Auger-cast concrete piles.
  - (4) Another type approved by special exception issued by the BSC. See "i." below.
- e. *Reinforcement.* Reinforcement for each foundation must be of an approved type. Approved types are listed below. In this list, types of reinforcement are defined and described in FDO.
- (1) Deformed bar reinforcing.
  - (2) Another type approved by special exception issued by the BSC. See "i," below.

f. *Observation and Certification.* Each foundation must be professionally observed and must be certified by an RLPE, as more fully described below:

(1) Observations must:

- (i) Be performed either by the certifying RLPE or by one or more persons under that RLPE's direct supervision and control whose professional qualifications are approved by the RLPE (any such person may be an RLGE, with respect to geophysical matters);
- (ii) Include actual measurement of piers, fill, compaction, reinforcement, forms, materials, dimensions, structural elements, attachments, etc. before the work is covered or concrete is placed (Note: dimensions of an underground element may be measured or estimated from the forms, boring or cavity for the element, before pouring or filling);
- (iii) Be performed continuously during placement of concrete; and
- (iv) Be documented in a form and manner approved by the building official (which may include photographs).

(2) Certifications must:

- (i) Refer to and be based upon the professional observations required by this section;
- (ii) State that the work complies with the plans and specifications last approved by the building official (with any field changes that are ordered by the RLPE and reported to the building official and that comply with applicable regulations);
- (iii) Comply with criteria as to form and content as may be specified by the building official;
- (iv) Be signed and sealed by the certifying RLPE; and
- (v) Be filed with the building official.

(3) Certifications may:

- (i) Rely in part upon an attached certification by a RLGE, as to geophysical matters;
- (ii) Rely in part upon an attached certification by an A2LA Lab, as to materials testing; and
- (iii) Be expressed as a professional opinion based on RLPE's knowledge, information and belief that does not constitute a guarantee or warranty, express or implied.

Before framing or other work commences on top of a foundation (and before the foundation is otherwise covered), the permittee must obtain written acknowledgment from the building official that the certification for the foundation was duly filed as required above. Certifications, plans, specifications and related items must be kept on file by the City, available for public inspection, for the retention period required by public records laws and may be kept longer (for an indefinite period of time).

- g. *Curing concrete.* All concrete piers, footings and foundations must be cured for at least 72 hours before any significant load is placed on them.
  - h. *Nonhabitable space.* This paragraph applies to buildings and additions to buildings that do not contain habitable space (as defined in the IBC). Footings, beams and monolithic slabs with integral footings shall be constructed of masonry or reinforced concrete rated at 2,500 psi @ 28 days (except for accessory buildings with only one story and less than 200 feet of gross floor area). Each building must have footings, beams and slabs of reinforced concrete assuming a soil bearing capacity of 1,500 psi; see R-403 of the IRC. All footings and beams shall be at least 24 inches deep and at least 12 inches wide and shall extend at least 12 inches below the undisturbed soil level. Reinforcement for concrete footings and beams must include at least two #5 deformed bars top and bottom, grade 60 (or better). Slabs must be reinforced with #4 deformed bars, grade 60 (or better), spaced no wider than 16-inches on center each way. Post-tensioned slab or cable foundations are not allowed.
  - i. *Special exceptions.* Excluding the requirement for professional errors and omissions insurance, the BSC may issue a special exception from any other requirement in subsection "a" through "h," above, but only upon a showing that:
    - (1) The requirement will not affect life safety or the performance of a structure; or
    - (2) An alternate requirement to be imposed by the special exception will provide equal or better protection for life safety and long-term structural performance.

However: In connection with any special exception, the BSC may require that the applicant provide supporting engineering data and opinion, and the BSC may impose conditions to carry out the purpose and intent of applicable regulations.
  - j. *Elevation of bottom floor.* Each foundation shall have an elevation of at least ~~15~~ 24 inches above standard base level.
4. Sheathing (gypsum board) and trim must comply with this section, as follows:
- a. All walls and ceilings within a R-1, R-2, R-3 and R-4 type occupancy shall be sheathed with Type X gypsum board at least 5/8-inch (15.9 mm) thick. Exception: Where applicable code (IBC, IRC) requires otherwise for moisture protection.
  - b. All exterior trim (e.g., soffit, fascia, window trim, chimney trim, etc.) must be made of treated lumber or noncombustible materials.
5. Structural elements, engineering, etc. must comply with the following section:
- a. *Scope.*
    - (1) The structural elements for the following must meet the criteria in this section, as applicable:
      - (i) Each new building (and each addition to an existing building) containing habitable space and having either a gross floor area of 485 square feet or more or a finished floor height greater than four feet; and
      - (ii) Each accessible deck, porch, balcony, walkway and similar structure with a finished floor height greater than four feet.

- (2) This section does not apply to foundation elements observed and certified under another section.
- b. *Definitions.* In this section:
- Height* is measured from the "standard base level" as provided in the Zoning Ordinance.
- A2LA Lab* means a laboratory accredited by the American Association for Laboratory Accreditation on the basis of ISO/IEC 17025:1999 ("general requirements for the competence of testing and calibration laboratories").
- RLPE* means a registered or licensed professional engineer of the State of Texas who is:
- (1) Listed with the State Board of Professional Engineers in the structural branch;
  - (2) Employed by a registered engineering firm of the State of Texas; and
  - (3) Covered by professional errors and omissions insurance that: (i) has limits of at least \$500,000.00 per claim (and at least \$1,000,000.00 per year, aggregate) and (ii) has effective dates-including any retroactive coverage date-that include the entire period when the person provides services or takes actions regulated by this section.
- c. *Engineering; Plans and Specifications.* Structural elements must be constructed in accordance with complete plans and specifications prepared, signed and sealed by a RLPE. The plans and specifications must be prepared specifically for the structure in question, and they must meet criteria as to scope, content and form specified by the building official.
- d. *Specific Requirements.*
- (1) *Framing; Sheathing.* All framing must include full exterior sheathing with structural elements (or blocking) along all joints. The plans must indicate the type, size and spacing of fasteners. All sheathing must be minimum 7/16" structural wood panels. In walls where plumbing, drain, waste or vent lines are located, the framing members must be two inches by six inches or larger.
  - (2) *Trusses, Joists, Etc.*
    - (i) The species and grade of all lumber used for trusses, joists, purlins, purlin supports or similar elements must be specified in the plans.
    - (ii) The length, spacing and direction of trusses and joists must be specified in the plans.
    - (iii) Each manufactured wood truss must comply with applicable requirements of the "National Design Standard For Metal Plate Connected Wood Truss Construction" published by Truss Plate Institute (TPI), 1-2000 Ed. The design and specifications of any truss built on the site (and any other truss not already certified as meeting such TPI requirements), must be included in the plans and specifications.
  - (3) Utility-grade lumber may not be used for joists, rafters or vertical framing.
  - (4) Windspeed clips and straps must meet these minimum requirements:

- (i) *Clips*: Simpson Strong Tie H2.5 or equal, installed on every other member as follows: rafter to double top plate.
  - (ii) *Straps I rafters* : Simpson Strong Tie LSTA 18 or MSTA 18 or equal installed rafter to rafter over ridge, on every other member.
  - (iii) *Strap I beams for porches, patios, garage doors*: Simpson Strong Tie LSTA15 or MSTA15 or equal, installed two on each end of each beam, strapped to post/support.
  - (iv) *Purlins*: Simpson Strong Tie LSTA 15 or MSTA 15 or equal, installed to rafters and spaced no wider than 48 inches on center, also installed on purlin braces and tied to purlins and brace supporting members.
- e. *Observation and Certification*. Structural elements must be professionally observed and must be certified by an RLPE, as more fully described below:
- (1) Observations must:
    - (i) Be performed either by the certifying RLPE or by one or more persons under that RLPE's direct supervision and control whose professional qualifications are approved by the RLPE;
    - (ii) Include actual observation of structural elements and attachments in crawl spaces before they are covered by floors or other materials;
    - (iii) Include actual observations of each beam, joist, rafter, truss and similar element, including each related weld and high- strength bolt: (1) after all required plumbing, electrical and mechanical "rough-in" inspections have been passed and all expected "notching," boring and similar work has been done, and (2) before the item is covered; and
    - (iv) Be documented in a form and manner approved by the building official (which may include photographs).
  - (2) Certifications must:
    - (i) Refer to and be based upon the professional observations required by this section;
    - (ii) State that the portions of the work required to be observed comply with the plans and specifications last approved by the building official (with any field changes that are ordered by the RLPE, reported to the building official and in compliance with applicable regulations);
    - (iii) Comply with criteria as to form and content as may be specified by the building official;
    - (iv) Be signed and sealed by the certifying RLPE; and
    - (v) Be filed with the building official.
  - (3) Certifications may:

- (i) Rely in part upon attached certifications by: (1) an A2LALab, as to materials testing, and (2) an inspector certified by the City of Houston, as to welds or high-strength bolts (or meet the provisions of Section 1704.3 of the IBC); and
- (ii) Be expressed as a professional opinion based on the RLPE's knowledge, information and belief that does not constitute a guarantee or warranty, express or implied.

Before any a beam, joist, rafter, truss, weld, high-strength bolt or similar element is covered: (i) all required city inspections relating to that element must be passed, and (ii) the permittee must obtain written acknowledgment from the building official that the certification for that element was duly filed as required above. For any given building, there may be more than one certification filed.

After a beam, joist, rafter, truss, weld, high-strength bolt or similar element has been observed and certified, as provided above, it may not be notched, bored or structurally altered without: (i) a new or amended permit, if required, and (ii) a new observation and certification, in accordance with this section. Certifications, plans, specifications and related items must be kept on file by the city, available for public inspection, for the retention period required by public records laws and may be kept longer (for an indefinite period of time).

- f. *Special Exceptions.* Excluding the requirement for professional errors and omissions insurance, the BSC may issue a special exception from any other requirement in subsection "a" through "e", above, but only upon a showing that:
  - (1) The requirement will not affect life safety or the performance of a structure (for its estimated useful life); or
  - (2) An alternate requirement to be imposed by the special exception will provide equal or better protection for life safety and long-term structural performance.

However: In connection with any such special exception, the BSC may require that the applicant provide supporting engineering data and opinion, and the BSC may impose conditions to carry out the purpose and intent of applicable regulations.

- 6. Delete: All appendices of the International Building Code.
- 7. In Section 1612.3, the referenced flood study (with FIRM and FBFM) means the "Flood Insurance Study for Harris County, Texas and Incorporated Areas," dated June 18, 2007 (revision date), with the most effective Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated June 18, 2007 (map revised date).
- 8. In Section 3410.2, the blank date shall mean the date of that edition of the IBC, as adopted by the City.
- 9. If work done on a building within any 12-month period constitutes, cumulatively, a "substantial improvement" (as defined in the City's flood damage prevention ordinances, e.g., Section 18-272 of this Code), the owner shall—to the extent reasonably practicable—make the building comply with current code provisions for new construction regarding: (i) structural components (except foundations) and (ii) life safety features (hand and guard rails, smoke detectors, safety glazing, ground fault circuit interrupters, arc-fault combination



breakers, emergency egress from sleeping rooms, locking devices on required egress components, etc.). To determine the "market value" of a pre-existing building, the most current tabulation of square foot construction costs published by the International Code Council (usually as part of "Building Valuation Data," see e.g., [www.iccsafe.org/cs/techservices](http://www.iccsafe.org/cs/techservices)) shall be used.

10. If a building is "substantially damaged" (as defined in the City's flood damage prevention ordinances, e.g., Section 18-272 of this Code), the owner shall cause it to be: (i) secured to prevent entry by unauthorized persons, within 24 hours after all embers are extinguished (or other damaging occurrence has ended) and (ii) either demolished (in accordance with Chapter 18 of this Code) or rebuilt in conformity with applicable technical codes as though it were a new building. Normal permits (including certificate of occupancy) are required. Work to demolish or rebuild must begin within 60 days following the date the occurrence ends and must be completed within a reasonable time, but not longer than the time allowed by the applicable permit(s). To determine the "market value" of a pre-existing building, the most current tabulation of square foot construction costs published by the International Code Council (usually as part of "Building Valuation Data," see, e.g., [www.iccsafe.org/cs/techservices](http://www.iccsafe.org/cs/techservices)) shall be used.
11. All basement construction for each new building (and each new basement for an existing building) shall meet the requirements of this section.
  - a. *Definitions.*

"A2LA Lab", "RLPE" and "RLGE" have the same meaning as stated in [Sub]section 3.a. of this Section C-104 above.
  - b. *Soil Testing and Design.* Soil testing and designs shall meet all the criteria set out in this Section C-104, as well as the following additional mandatory requirements:
    - (1) The minimum depth for test boring holes shall be 30 feet.
    - (2) The RLPE shall certify that the plans and specifications were designed using a 1 inch potential vertical rise. Potential vertical rise (PVR) to be determined in accordance with Test Method Tex-124-E, Rev. January 1, 1978/December 1982, Texas State Department of Highways and Public Transportation, Materials and Test Division, "Method for Determining the Potential Vertical Rise, PVR" (a copy of which is on file in the office of the City Secretary). For this purpose, the "dry" moisture condition (from which little shrinkage is experienced, but where volumetric swell potential is greatest) shall be used for each sample and test.
    - (3) The RLPE shall certify that the plans and specifications were designed assuming water level rises to ground level for all hydrostatic and uplift pressure designs.
  - c. *Foundation, Basement Walls and Floors.* Foundations shall meet all the criteria set out in this Section C-104, as well as the following additional mandatory requirements:
    - (1) The entire foundation of the building and the walls and floor of the basement shall be cast-in-place concrete.
    - (2) Shoring shall be required during any and all excavation. All shoring shall be designed based on the recommendations of the RLGE and approved by the RLPE.

- (3) All foundation walls shall be designed to resist the earth pressures at-rest and to resist full hydrostatic loading to ground surface. If the soil tests indicate the presence of expansive soils, the walls shall be designed to resist lateral swelling pressures also.
  - (4) Minimum wall and floor thickness shall be: Wall = 8 inches, Floor = 8 inches.
  - (5) Minimum reinforcement of all concrete shall be two layers of #4 grade 60 rebar 16 inches on center each way.
  - (6) Minimum concrete testing shall consist of testing each truck with 7 and 28 day test breaks with an approval letter from the RLPE delivered to the office of the building official and acknowledged by the same prior to continuing any further construction.
  - (7) Minimum concrete strength shall be 3000 PSI at 28 days.
  - (8) Monolithic concrete placement is mandatory for all walls, wall to wall connections and in floors. Wall to floor connections may be monolithic or segmented.
- d. *Drainage.* Foundation drainage plans, outside and inside of a basement, shall include the following minimum requirements:
- (1) Drains shall be provided around all concrete foundations that retain earth and enclose habitable or usable spaces located below grade. Gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with a commercial grade filter cloth Type A woven or non-woven, non-bio degradable plastic yarn meeting at a minimum all of the following ASTM Standards: Grab tensile strength (ASTM D 1682 @ 90 lbs. min.; Burst strength (ASTM D 751) @ 100 psi min.; Equivalent opening size (OES) @ 40 min., 100 Max. Perforated pipe shall be covered with the above filter membrane material and placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the pipe opening or perforation and covered with not less than 6 inches (152 mm) of the same material. There must be a granular drainage layer beneath the floor slab.
  - (2) Separate sump pumps for outside and inside the basement which shall be a minimum of ¼-horsepower sump pumps. The sump pumps shall be rated at four times the estimated seepage rate and shall discharge away from the building to the public storm sewer system. The drainage systems shall be provided with a positive means of preventing backflow. Pumps shall be accessible for removal and maintenance.
  - (3) Emergency power supply for sump pumps shall be provided. Natural Gas or LP Gas (10 gallon storage maximum) systems allowed, no battery systems shall be allowed. Systems shall be located outside, not in basement area.
- e. *Waterproofing.* Waterproofing shall include the following minimum requirements:

- (1) The entire exterior basement walls shall be covered with waterproofing materials designed for below grade/soil contact that will withstand the stated hydraulic pressures per the soil report.
  - (2) The exterior wall waterproofing shall be protected with a protection board of extruded polystyrene or equal non-bio degradable product.
- f. *Mechanical, Electrical or Plumbing.* Mechanical, electrical or plumbing equipment shall meet all the requirements set out in Section 18-67 of the City's Buildings and Development ordinances as well as the following additional requirements:
- (1) Minimum height above finished floor of the basement for the base of any such equipment shall be eighteen (18) inches.
  - (2) Gas fired appliances shall not be allowed inside any basement.
  - (3) Conditioned space (e.g. air/heat) shall be at the discretion of the owner.
  - (4) Access to basement shall be by stairway. Trap door access shall not be permitted.

(Addition shown by underline; deletion shown by strike-out)

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	5D
<b>DATE SUBMITTED:</b>	May 16, 2018	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	D. Beach, ACM / PWD C. Chew, CBO	<b>PRESENTER:</b>	D. Beach, ACM / PWD
<b>SUBJECT:</b>	<b>Limitation of fill</b>		
<b>ATTACHMENTS:</b>	<b>Ordinance</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

In the aftermath of Hurricane Harvey and at the request of the City Council, the Building and Standards Commission and Staff reviewed the current requirements for the amount of fill that can be used when grading a lot and whether any improvements could be made to the existing code.

Current code allows the following:

- Two inches of fill over a 500 sq. ft. of area per year on the site without a grading permit and there is no limit on the amount of fill with a grading permit, and
- A before and after topographic survey be provided on lots where a home is being built, but does not require a before topographic survey on lots being turned into green/open space.

The following are the proposed changes:

- Limit the amount of fill on a site to 6 inches, unless the Building Official authorizes additional fill necessary to achieve proper drainage due to site conditions, and
- Require a before topographical surveys on lots being turned into green/open space.

These changes will help ensure consistent enforcement and that only the necessary amount of fill is used to ensure proper drainage on all lots.

The City Attorney has approved to legal form.

**RECOMMENDATION**

The Building and Standards Commission and Staff recommend the City Council approve the ordinance amending Chapter 18, Article II, Section 18-56 of the Code of Ordinances on the second and final reading.

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 18, BUILDING AND DEVELOPMENT, ARTICLE II, GENERAL REGULATIONS, SECTION 18-56, SITE DRAINAGE; DRAINAGE PLANS, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, RELATING TO THE AMOUNT OF ADDITIONAL FILL ALLOWED AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:**

**Section 1.** Chapter 18, Building and Development, Article II, General Regulations, Section 18-56, Site drainage; site plans, of the Code of Ordinances of the City of West University Place, Texas is amended relating to the amount of additional fill allowed to read as set out in Appendix A, attached hereto. All other portions of Chapter 18 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 2.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the \_\_\_\_ day  
of \_\_\_\_\_, 2018.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED,**  
on the \_\_\_\_ day of \_\_\_\_\_, 2018.

**Attest:** \_\_\_\_\_  
City Secretary (Seal)

**Signed:** \_\_\_\_\_  
Mayor

Recommended: \_\_\_\_\_  
City Manager

Approved as to legal form: \_\_\_\_\_  
City Attorney

**Appendix A**  
(Amended Chapter 18, Article II, Section 18-56 Code of Ordinances)

Sec. 18-56. - Site drainage; drainage plans.

- (a) *Basic drainage requirements.* For each impact area (see definition in subsection (b)), the permittee must prepare a drainage plan and obtain the approval of the building official, as required by this section. Exception: No drainage plan is required for a project if the building official issues a "low impact" certification after determining that the project will probably have no drainage impact, or very low impact, upon neighboring property. In addition, each permittee, each successive owner and each successive person in control of an impact area has a continuing duty to:
- (1) Provide basic site drainage (see definition below) at all times, unless otherwise specified in an approved drainage plan or an approved amendment; and
  - (2) Comply with the approved drainage plan (if the plan was required by this Code or any prior city ordinance) or an approved amendment at all times.
- (b) *Definitions .* In this section, the following terms have the meanings shown, unless the context clearly indicates a different meaning:
- (1) *Basic site drainage* means drainage that:
    - a. Captures substantially all of the rainwater that would fall onto the impact area, assuming a rainfall of one inch in one hour; and
    - b. Causes that rainwater to be absorbed within the same building site or conveyed to a lawful receiving place for rainwater, without escaping onto any other site and without washing detectable quantities of soil or debris off the building site. Rainwater may be conveyed across another site, if properly authorized by perpetual, recorded easement or a similar interest in the land.
  - (2) *Impact area* means the area where grade-raising, ~~or~~ major development or creation of green space occurs (or occurred after July 7, 1991). In the case of major development or creation of green space, the entire building site is included in the impact area.
- (c) *Drainage plans; content, types, etc.* The applicant must prepare each drainage plan in two versions: "as designed" and "as built." The requirements are as follows:

"As Designed" Version

(1) A topographic survey drawing (with sufficient "spot" elevations and flow directions, as determined by the building official) showing—	—the impact area and the receiving points for runoff, "as-is," before work on the site begins
	—established drainage patterns across property lines
(2) Clear drawings and descriptions of temporary and permanent drainage measures "as	—provide basic site drainage <u>but in no case shall more than six (6) inches above existing grade of fill be allowed. However, the Building Official may authorize additional fill</u>

designed" that—	<u>above the six (6) inch limit if the Building Official determines additional fill is necessary for proper drainage</u>
	—minimize the amount of fill and tree damage
	—provides drainage away from building foundations as required by applicable regulations
	—mitigate significant interference with established drainage patterns across property lines toward the impact area (up to the capacity of a four-inch drain pipe-or its equivalent—from the rear of the site to the street)
	—provides for basic stormwater quality protection as may be required by applicable regulations
(3) A written certification, signed and sealed by the permittee that the "as-designed" drainage measures will meet the requirements set out above	
(4) Additional information requested by the building official	

"As built" Version

(1) Clear drawings and descriptions of permanent drainage measures "as built" that—	—substantially conform to the "as-designed" version of the drainage plan, including the topographic survey data
	—provide basic site drainage <u>but in no case shall more than six (6) inches above existing grade of fill be allowed unless authorized by the Building Official in the “as designed” plans</u>
	—minimize the amount of fill and tree damage
	—provide drainage away from building foundations as required by applicable regulations
	—mitigate significant interference with established drainage patterns across property lines toward the impact area (up to the capacity of a four-inch drain pipe-or its equivalent—from the rear of the site to the street)
	—provides for basic stormwater quality protection as may be required by applicable regulations
(2) A written certification that the "as-built" drainage measures meet the requirements set out above, signed by the permittee	
(3) Additional information requested by the building official	



(d) *Drainage plans; preparation, etc.*

(1) Preparation and processing, "as designed" plans:

- a. The "as designed" version of the drainage plan must be filed with the building official before issuance of the initial permit for the project. As provided by this Code, the drainage plan may be submitted as a component of a site plan.
- b. The building official shall approve the "as designed" plan, unless the building official notices some non-compliance with this section or other applicable regulations.
- c. No permit may be issued until the "as designed" site plan is approved.

(2) Preparation and processing, "as built" plans:

- a. Each permittee must deliver the "as built" version of the drainage plan to the building official by the sooner of:
  1. The 30th day following completion of the project (including final ground cover and landscaping); or
  2. The 30th day following the expiration of the permit. As provided by this Code, the drainage plan may be submitted as a component of a site plan.
- b. The building official shall review and approve the "as built" plan, unless the building official notices some non-compliance with this section or other applicable regulations.
- c. Any fee charged by the city for reviewing the "as built" drainage plan may be waived if the building official determines that the "as built" plan is not substantially different from the approved "as designed" plan and can be readily compared.
- d. No final occupancy permit or similar approval (except a temporary certificate of occupancy) may be issued until the "as built" drainage plan is approved.

(3) Amendments.

Amendments to drainage plans are handled in the same manner as original plans. Exception: No amended drainage plan is required for a project if the building official issues a "low impact" certification after determining that the project will probably have no drainage impact, or very low impact, upon neighboring property.

(e) *Drainage plans; implementation.* Either temporary or permanent measures to achieve basic site drainage must be put into effect before grade-raising work or major development starts. Any temporary measures must remain in effect until permanent measures are installed and are operating as designed. Temporary measures may incorporate all or part of the permanent measures. Permanent measures must be installed and operating as designed as soon as practicable after grade-raising work or major development is completed.

(f) *Other rights and duties .* Some persons may have state-created or recognized rights and duties with respect to surface water and drainage. For example, under state water laws, a property owner may have the right to allow water to drain naturally onto neighboring

property, and the owner of the neighboring property may have the duty to receive the water. Neither this Code nor any actions taken by city officials shall ever be interpreted to diminish any other rights or duties arising under state water laws. Any person receiving a city permit or other approval remains obligated to carry out all state-created duties and to respect all state-created rights, whether compelled to do so by the city, or not. Every property owner remains free to pursue all state-created rights and remedies against other property owners, and it is neither required nor appropriate to involve the city in any such proceeding.

(Addition shown by underline; deletion shown by strike-out)

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	May 21, 2018	<b>AGENDA ITEM:</b>	5E
<b>DATE SUBMITTED:</b>	May 16, 2018	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	D. Beach, ACM / PWD C. Chew, CBO	<b>PRESENTER:</b>	D. Beach ACM / PW Dir.
<b>SUBJECT:</b>	<b>Fence Regulations</b>		
<b>ATTACHMENTS:</b>	<b>Ordinance including addition to local amendments</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

Staff requested the Building and Standards Commission (BSC) to review the requirements for items associated with fences, such as, the requirement of a rot boards and where the measurement of the fence is taken during the inspection.

**Rot Boards** - Currently there is no requirement for a rot board or what is an acceptable material for a rot board. The proposed requirement of a rot board to be installed would lessen the issue with soil erosion onto neighboring property, help maintain positive flow of water from the rear to the front of the site and ensure the materials used as a rot board are appropriate for that use.

**Measuring Fence Height** – Currently fences are measured from the side with the lowest grade level. Unfortunately, this requirement has caused issues for Staff verifying the height of the fence when they are unable to gain access to the neighboring property to ensure they are measuring from the lowest point. The proposed change would require the fence to be measured from the property where the permit is issued and create more uniform fence heights as more sites are redeveloped.

The City Attorney has approved to legal form.

**RECOMMENDATION**

The Building and Standards Commission and Staff recommend the City Council approve the ordinance amending Chapter 18, Article VII, Section 18-200 of the Code of Ordinance on the second and final reading.

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 18, BUILDINGS AND DEVELOPMENT, ARTICLE VII, FENCES, SECTION 18-200, MAXIMUM HEIGHT LIMITS, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, RELATING TO BOTTOM BARRIER REQUIREMENTS AND THE METHOD OF MEASURING FENCE HEIGHT AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:**

**Section 1.** Chapter 18, Buildings and Development, Article VII, Fences, Section 18-200, Maximum height limits, of the Code of Ordinances of the City of West University Place, Texas is amended relating to bottom barrier requirements and the method of measuring fence height to read as set out in Appendix A, attached hereto. All other portions of the Code of Ordinances not specifically amended hereby remain in full force and effect.

**Section 2.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance takes effect immediately upon its passage and adoption on second reading.

**PASSED, APPROVED AND ADOPTED ON FIRST READING** on the \_\_\_\_ day  
of \_\_\_\_\_, 2018.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED,**  
on the \_\_\_\_ day of \_\_\_\_\_, 2018.

**Attest:** \_\_\_\_\_  
City Secretary (Seal)

**Signed:** \_\_\_\_\_  
Mayor

Recommended: \_\_\_\_\_  
City Manager

Approved as to legal form: \_\_\_\_\_  
City Attorney

City of West University Place  
Harris County, Texas

**Appendix A**  
**(Amended Section 18-200)**

Sec. 18-200. - Maximum height limits and bottom barriers.

- (a) *Eight-foot limit.* No fence higher than eight feet may be constructed, improved or structurally altered on any private property.
- (b) *Six-foot limit.* No fence higher than six feet may be constructed:
  - (1) Closer than six feet from a wall of an existing principal building used as a single-family residence on any adjacent building site, if the proximity of the fence to the building would significantly and adversely affect the beneficial circulation of air around or through the building or the beneficial exposure of the building to direct or reflected sunlight. To make these determinations, the building official shall take into account the type and design of the fence and the following (if existing or proposed in the immediate vicinity of the fence): trees, other plants and other buildings and structures.
  - (2) Between buildings on separate building sites where the eaves are less than two feet apart.
- (c) *Height measurement.* Fence height shall be measured along ~~each~~ the fence line ~~on the side with the lowest grade level~~ of the property address for which the fence permit was issued. ~~If the fence is within three feet of a property line, the adjacent grade level of the adjacent property is used to measure the height of the fence, if the adjacent grade level is lower than the grade level of the property where the fence is located.~~
- (d) *Gate height.* A gate may be no taller than may a fence at the same location, except that a gate which is not more than 40 percent opaque may extend to a height not greater than 12 inches above the maximum height of a fence at the same location.

(e) *Bottom barrier.* Fences shall be constructed with a pressure treated rot board with a minimum nominal size of 2 by 10 inches or other appropriate barrier approved by the Building Official at the base of the fence.

(Addition shown by underline; deletion shown by strike-out)